

## **DETAILED ACTION**

### **Status of the Application**

Receipt of the Response to Restriction requirement filed 03/30/09 is acknowledged.

In view of the fact that the generic claim is allowable, the Restriction requirement dated 11/03/08 has been withdrawn and the search has been extended to cover the additional claimed species and these species are deemed to be allowable.

Claims 17, 19, 21-24, 29-38 and 65-73 are pending in this action. Claim 17 has been amended. Claims 1-16, 18, 20, 25-28 and 39-64 have been cancelled. Claims 17, 19, 21-24, 29-38 and 65-73 are allowed.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Curtis B. Herbert, Ph.D. on 16 September 2009.

The application has been amended as follows:

#### In the claims:

In claim 65, lines 8-9, after the phrase "treating the second tissue location with a therapeutic dose of radiation", the phrase **--said therapeutic dose of radiation,--** has been **deleted.**

***Allowable Subject Matter***

Claims 17, 19, 21-24, 29-38 and 65-73 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that Applicant has overcome the pending 112, first paragraph enablement rejections based on the submission of the Declaration of Dr. Sawney and the publication articles submitted on 08/18/08. Applicant has sufficiently demonstrated support for the use of the different filler materials of the claimed invention based on the Response, Declaration and publication articles submitted on 08/18/08, rendering the instant invention enabling and patentable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Humera N. Sheikh/  
Primary Examiner, Art Unit 1615

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September 22, 2009